

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

_____)	
IN RE: TERRORIST ATTACKS ON)	03 MDL 1570 (RCC)
SEPTEMBER 11, 2001)	
_____)	
)	
Relates to:)	
)	
Kathleen Ashton, et al.,)	
)	02 CV 6977 (RCC)
v.)	
)	
Al Qaeda Islamic Army, et al.)	
_____)	

**NOTICE OF MOTION OF SAMI OMAR AL-HUSSAYEN
TO DISMISS COMPLAINT**

PLEASE TAKE NOTICE THAT pursuant to Fed. R. Civ. P. 12(b), Sami Omar Al-Hussayen, through his attorneys, hereby appears for the limited purpose of moving the Court, before the Honorable Richard Conway Casey, United States District Judge, at the United States District Court, Southern District of New York, 500 Pearl Street, New York, NY 10007, at a date and time to be determined by the Court, for an order dismissing all claims against him or otherwise confirming that he not been named as a defendant in the plaintiffs' complaint in *Kathleen Ashton et al. v. Al Qaeda Islamic Army, et al.*, Case No. 02 CV 6977. This motion is brought on the grounds that Mr. Al-Hussayen is not named in the caption of the Third Amended Complaint nor is he specifically identified as a defendant in the body of this complaint. In the event this Court finds Mr. Al-Hussayen has been named as a defendant in this action, the claims against him should be dismissed on the basis that Plaintiffs have failed to establish that the Court

has personal jurisdiction over him, failed to state a claim against him upon which relief can be granted, and failed to properly effect service of the Complaint upon him pursuant to Rules 12(b)(2), 12(b)(6) and 4(f), Fed. R. Civ. P. A Memorandum of Law in support of this Motion is contemporaneously filed and attached hereto.

DATED this 14th day of March, 2005.

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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of March, 2005, I caused copies of the **Notice of Motion of Sami Omar Al-Hussayen to Dismiss Complaint and Memorandum of Law in Support of Motion to Dismiss of Sami Omar Al-Hussayen** to be served electronically pursuant to the Court's ECF system.

_____/s/_____
Scott McKay